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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,921	11/26/2003	Michael Edwards	BSO3212	1176
38516 7590 06/02/2008 SCOTT P. ZIMMERMAN, PLLC PO BOX 3822 CARY, NC 27519				
EXAMINER				
TIEU, BINH KIEN				
ART UNIT		PAPER NUMBER		
2614				
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06/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/722,921

**Applicant(s)**

EDWARDS, MICHAEL

**Examiner**

BINH K. TIEU

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2 and 8-12, are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenthal (US. Pat. #: 7,177,404).

***Regarding claim 1***, Rosenthal a method, comprising:

accessing a profile storing information for generating a message (col.7, lines 36-44);

at a time indicated in the profile, generating the message (col.7, lines 49-51);

retrieving a voice communications address from the profile (col.7, lines 51-53; col.8, lines 10-15);

routing the message to a destination address (col.8, lines 15-16 and lines 31-39); and

when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address (col.8, lines 25-30 and lines 51-65).

Regarding claim 2, note col.8, line 66 through col.9, line 3.

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Regarding claim 8, note col.9, lines 33-40.

Regarding claim 9, note col.8, lines 35-36 and lines 49-51.

Regarding claim 10, note col.9, lines 21-30.

***Regarding claim 11***, Rosenthal a computer program product comprising a computer readable medium storing processor executable instruction for performing a method, the method comprising:

accessing a profile storing information for generating a message (col.7, lines 36-44);

at a time indicated in the profile, generating the message (col.7, lines 49-51);

retrieving a voice communications address from the profile (col.7, lines 51-53; col.8, lines 10-15);

routing the message to a destination address (col.8, lines 15-16 and lines 31-39); and

when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then automatically establishing a voice connection between the destination address and the voice communications address (col.8, lines 25-30 and lines 51-65).

***Regarding claim 12***, Rosenthal a system, comprising:

means for accessing a profile storing information for generating a message (col.7, lines 36-44);

at a time indicated in the profile, means for generating the message (col.7, lines 49-51);

means for retrieving a voice communications address from the profile (col.7, lines 51-53; col.8, lines 10-15);

means for routing the message to a destination address (col.8, lines 15-16 and lines 31-39); and

when an off-hook condition is detected at the destination address within a pre-selected time period from the routing of the message, then means for automatically establishing a voice connection between the destination address and the voice communications address (col.8, lines 25-30 and lines 51-65).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-7 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenthal (US. Pat. #: 7,177,404) in view of Levy (US. Pat. #: 6,556,997).

Regarding claims 3-7 and 13, Rosenthal teaches all subject matters as claimed above, except for the features of retrieving a stock symbol from the profile; retrieving an origination address from the profile; querying the origination address to obtain the stock quote; and including the stock quote in the message routed to the destination address. However, Levy teaches such features in col.6, lines 36-56; col.6, line 60 through col.7, line 17; col.9, lines 15-27

for a purpose of providing customers with up-to-date contents or information from the specified sources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of retrieving a stock symbol from the profile; retrieving an origination address from the profile; querying the origination address to obtain the stock quote; and including the stock quote in the message routed to the destination address, as taught by Levy, into view of Rosenthal in order to provide customers with up-to-date contents or information from the specified sources.

*Regarding claim 14*, Rosenthal teaches a method for delivering of messages in accordance to user schedules at future times. When the delivery time arrives, a connection is established to user communication device specified in the user profile. The message is automatically retrieved and delivered to the user communication device (col.7, line 30 through col.9, line 3).

It should be noticed that Rosenthal teaches the pre-stored message stored in a database to be delivered to the user communication device when the time comes. Rosenthal, however, fails to teach features of receiving a stock quote at a destination address. Levy teaches such features in col.6, lines 36-56; col.6, line 60 through col.7, line 17; col.9, lines 15-27 for a purpose of providing customers with up-to-date contents or information from the specified sources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features, as taught by Levy, into view of

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Rosenthal in order to provide customers with up-to-date contents or information from the specified sources.

Regarding claim 15, Rosenthal further teaches limitations of the claim in col.7, lines 30-46 and col.8, lines 51-55.

Regarding claim 16, Rosenthal further teaches limitations of the claim in col.9, lines 33-40.

Regarding claim 17, Levy further teaches limitations of the claim in col.6, lines 41-44 and col.7, lines 8-12 or col.9, lines 16-27.

Regarding claims 18 and 19, the limitations of the claims are rejected with the same reasons set forth in the claims 14 and 15 above.

Regarding claim 20, in stock trading markets, the stock quotes, of cause, are more important for brokers who often track on them. Therefore, stock quote must be prioritized or ranked more important then an incoming caller identification (ID) information. It should be obvious to incorporate the feature of prioritizing or ranking receipt of the stock quote over receipt of an incoming caller ID signal, into view of Rosenthal and Levy, in order to prevent lost to brokers as well as investors from trading in stocks markets.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks  
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**Or faxed to:**

**(703) 872-9314 or (571) 273-8300 (for formal communications; please  
"EXPEDITED PROCEDURE")**

mark

**Or:**

**If it is an informal or draft communication, please label  
"PROPOSED" or "DRAFT")**

**Hand Carry Deliveries to:**

**Customer Service Window  
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401 Dulany Street  
Alexandria, VA 22314**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**



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**/BINH K. TIEU/**

Primary Examiner  
Technology Division 2614

Date: May 2008